

## **REMARKS**

As a response to the Office Action dated April 20, 2009, Applicants have, by the foregoing, amended claims 1-6, 9, 10 and 15 for consideration by the examiner. Accordingly, remaining in the application is independent claim 1 with its dependent claims 2-6, 9, 10, 14, 15 and 17. Claims 7, 8, 11-13, 16 and 18-20 are currently withdrawn.

### **In the Claims**

The Office Action indicates that claims 1 and 9 are objected to in that these claims include subject matter in parentheses. By the foregoing, claims 1 and 9 have been amended to overcome this objection.

The Office Action further indicates that claims 1 and 4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to the inclusion of a broad range or limitation within the claim together with a narrow range or limitation that falls within the broad range or limitation. By the foregoing, claims 1 and 4 have been amended to overcome this rejection.

### **Regarding the Rejections on the Art**

The Office Action indicates that claims 1, 2, 4-6, 9 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by International Patent Application Publication No. WO 92/20001 to Newman. The Office Action also indicates that claims 3, 14 and 15 are rejected under 35 U.S.C. §103(a) as being obvious over Newman in view of Japanese Patent Document JP 60-63739. The Office Action further states that claim 10 is rejected under this same statute as being obvious over Newman in view of U.S. Patent No. 6,483,651 to Maurer. For at least the following reasons, Applicants respectfully submit that the subject claims, as presently amended, define over any fair teachings of the art relied upon in the Office Action, whether taken alone or in combination, and are allowable.

More specifically, Newman is directed to a constraint arrangement for mounting an optical element, such as a lens 102 as shown in FIG. 6 thereof. The constraint arrangement includes a barrel 104 and a retaining ring 106 as is identified in FIG. 6 of

Newman. Pins 126-130 project axially from a base wall of the barrel in Newman. Lens 102 includes notches 110-114, which include faces 132-136, respectively.

As can be better seen in FIG. 9, the lens is positioned within barrel 104 such that faces 132-136 abuttingly engage pins 126-130, which project axially from the base wall of barrel 104. Retaining ring 106 includes resilient spring tabs 154-158 that apply axial pressure to lens 102 through contact with upper surface 118 of the lens. Spring tabs 154-158 press axially against outer surface 118 of lens 102. Additionally, tab 140, which presses against periphery 116 of the lens, urges faces 132-136 into abutting engagement with pins 126-130. In this way, lens 102 is firmly seated and centered in barrel 104, as described lines 31-37 on page 13 of Newman.

The subject matter presented in claim 1 of the present application, as amended herein, differs from the arrangement shown and described in Newman in that the slit in the optical element is spaced inwardly from the outer peripheral edge of the optical element. This at least partially defines a working portion of the optical element that is formed inwardly of the at least one slit and a fixing portion of the optical element that is formed between the at least one slit and the outer peripheral edge of the optical element. Newman does not disclose or even suggest an optical element having slits arranged in such a manner.

Additionally, the at least one slit of the subject claims extend into the optical element in a direction approximately aligned with the element thickness from one of the front and back surfaces to a depth that is less than the element thickness. In this manner, the working portion and the fixing portion of the optical element remain at least partially connected to one another. Claim 1 further states that the optical element holder engages the optical element along the fixing portion outside of the at least one slit to fix the optical element between the inner circumferential surface of the optical element holder and the depressing means reducing the propagation of depression-induced strain in the working portion of the optical element. Such an arrangement is not taught or even suggested by Newman. For at least these reasons, it is respectfully submitted that claim 1 patentably defines over any fair teaching or interpretation of Newman.

The remaining documents relied upon in the Office Action are cited as teaching particular features and/or elements of dependent claims 3, 10, 14 and/or 15. While Applicants do not acquiesce to the assertions set forth in the Office Action regarding the particular features and/or elements taught by Yomo and/or Maurer, it is respectfully submitted that neither document teaches or fairly suggests the deficiencies of Newman described above. As such, it is respectfully submitted that the subject claims, as presented herein, define over any fair teaching or interpretation of the documents relied upon in the Office Action, whether taken alone or in combination.

#### Election of Species

As indicated in Section 1 of the Office Action, an election of species requirement was issued in the subject application and Applicants elected claims 1-6, 9, 10, 14, 15 and 17. Additionally, claim 1 was identified as being generic. In view of the foregoing amendments and remarks, it is respectfully submitted that independent claim 1 is now in condition for allowance. As such, consideration of the claims directed to the non-elected species is respectfully requested.

#### CONCLUSION

It is respectfully submitted that the foregoing amendments and discussion are fully responsive to the latest Office Action and that the claims are in proper form. Having addressed all of the outstanding objections and/or rejections, the subject application is now believed to be in condition for allowance. Reconsideration of the claims and an early notice of allowability is earnestly solicited.

Alternatively, in the interests of compact prosecution and advancing this application to issue, Applicants respectfully request that the Examiner telephone the undersigned to discuss any of the foregoing and/or to make any suggestions that the Examiner may have to place the case in condition for allowance.

☒ Remaining Claims, as delineated below:

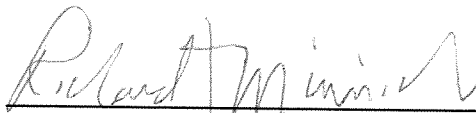
(1) For	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	11	- 28 =	0
INDEPENDENT CLAIMS	1	- 3 =	0

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 06-0308.

Respectfully submitted,

Fay Sharpe LLP



Richard J. Minnich, Reg. No. 24,175  
The Halle Building, 5th Floor  
1228 Euclid Avenue  
Cleveland, Ohio 44115-1843  
216.363.9000

20 July 2009

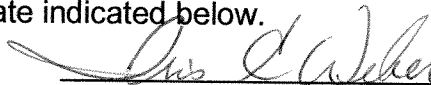
Date

**Certificate of Transmission**

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via the EFS Web on the date indicated below.

20 July 2009

Date



Name: Iris E. Weber